

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:22-cv-24066-KMM

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAACP;
MIAMI-DADE BRACH OF THE NAACP;
CLARICE COOPER; YANELIS VALDES;
JARED JOHNSON; and ALEXANDER
CONTRERAS,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**DEFENDANT’S MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Pursuant to S.D. Local Rule 7.1(a) and Fed. R. Civ. P. 6(b), Defendant, City of Miami (the “Defendant”), respectfully moves the Court for an extension of time to file its Objections to the Magistrate Judge’s Report and Recommendation. As grounds, Defendant states as follows:

1. Plaintiffs filed this action on December 15, 2022. [DE 1].¹
2. On February 10, 2023, Plaintiffs filed an Expedited Motion for Preliminary Injunction (the “Motion for Preliminary Injunction”), [DE 26], and a Notice of Filing Exhibits in Support of Motion for Preliminary Injunction, [DE 24], which is 1,753 pages long and contains 93 exhibits. Defendant filed its Memorandum of Law in Response to Plaintiffs’ Motion for Preliminary Injunction on March 10, 2023, [DE 36], and Plaintiffs’ filed a Reply on March 16, 2023 [DE 39].

¹ On February 10, 2023, after Defendant filed a Motion to Dismiss [DE 19], Plaintiffs filed their First Amended Complaint. [DE 23].

3. On March 29, 2023, the Magistrate Judge held a five-and-a-half hour evidentiary and preliminary injunction hearing. [DE 48]. Plaintiffs introduced 93 Exhibits into evidence, [DE 49], and Defendant introduced an additional 12 Exhibits [DE 50].

4. On May 3, 2023, eight minutes before midnight, the Magistrate issued a 101-page Report and Recommendation and ordered any objections to be filed on or before Saturday, May 13, 2023, citing the parties' agreement to shorten the objections period to ten days. [DE 52, at 100].

5. Federal Rule of Civil Procedure 6(a) states that, to compute a time period when a period of time "is stated in days," "exclude the day of the event that triggers the period," "count every day, including intermediate Saturdays, Sundays, and legal holidays," and "include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday." Because the Report and Recommendation was issued on a Wednesday, the first day to begin counting was Thursday, May 4, and the tenth day was Saturday, May 13. However, in accordance with Rule 6, the deadline to file objections should have "continue[d] to run" until Monday, May 15.

6. Moreover, Federal Rule of Civil Procedure 6(b) vests this Court with discretion to enlarge deadlines for good cause.

7. Since the Magistrate issued the Report and Recommendation, Defendant has worked diligently to obtain a copy of the hearing transcript but the court reporter has been on jury duty. Additionally, as a result of the complexity, length, and serious consequences of the Report and Recommendation, Defendant requires more time to adequately prepare and file its objections. Defendant respectfully submits that these factors support a finding of good cause and requests an extension until Friday, May 19 to file its objections. This Motion is made in good faith and not for the purpose of delay.

8. Defendant's counsel has conferred with Plaintiffs' counsel, Nicholas Warren, Esquire, who does not oppose a two-day extension of time to file objections by Monday, May 15, but opposes a longer extension.

9. A proposed Order is attached in compliance with Local Rule 7.1(a)(2).

WHEREFORE, Defendant respectfully moves the Court for an extension of time, until May 19, 2023, to file its Objections to the Magistrate Judge's Report and Recommendation.

Dated this 9th day of May, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/ Christopher N. Johnson
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